

The Revision of the Plants for Planting Quarantine (Q- 37)  
Size/Age Workgroup Meeting Report  
October 30-31, 2007

(The participants in this meeting were all Plant Protection and Quarantine staff, invited because of their knowledge and/or experience related to this topic.)

Participants:

Polly Lehtonen, Riverdale, MD  
Arnold Tschanz, Riverdale, MD  
Carissa Marassas, Riverdale, MD  
Claudia Ferguson, Riverdale, MD  
Laura Biven, Riverdale, MD  
Gordon Muraoka, Miami, FL  
Martin Feinstein, Linden, NJ

Andrew Lee, Los Angeles, CA  
Tim Torbett, San Francisco, CA  
Bud Petitdemange, Riverdale, MD  
William Thomas, Riverdale, MD  
Indira Singh, Riverdale, MD  
Gwendolyn Burnett, Riverdale, MD

**Why Change the Size/Age Limitations?**

The size/age limitations were promulgated to prevent the importation of plants for planting that cannot be feasibly inspected, treated, or handled to prevent quarantine pests that may accompany them from being introduced into the United States. However, the existing size/age restrictions are poorly understood and inconsistently applied. Industry complains that the unclear provisions cause lack of predictability for entry requirements. The provisions contain ambiguous language and ill-defined, sometimes overlapping categories of plants. Gaps in coverage for artificially dwarfed plants may have led to the entry of wood boring insects.

**Proposal Summary**

After considerable discussion, the group arrived at a proposal that replaces size/age restrictions with size/weight restrictions based on operational considerations and pest risk. The highlights of the proposal include:

- eliminating age restrictions, which were difficult to interpret and enforce,
- adding a weight restriction for any one article based on the condition of employment that a PPQ officer must be able to lift 40 lbs,
- correlating size restrictions with risk factors related to the difficulty of inspection, and
- providing importers with the option of applying for a controlled import permit (CIP) for articles that exceed the size/weight restrictions.

The conditions of a CIP for articles exceeding the size/weight limitations would be based on a risk evaluation for the described article and its intended use. If issued, the permit's conditions would range from very simple, such as limiting the number of articles or limiting entry to a particular plant inspection station with notification and pre-arrangements for additional labor, to complex, such as limiting import to articles certified as grown under an offshore regulatory systems approach protocol. User fees would be appropriate for these permits, related to both the amount of work needed to develop the permit and to inspect the material.

## Timing of the Proposal

The size/age proposal relies on the availability of two other Q37 initiatives, the controlled import permit (CIP) and regulatory systems approach protocol (RSAP). The size age proposed rule would follow the final rules for these two initiatives.

## The Size/Weight Limitations Strawman

Category of plants for planting	And	Limitation
<b>Weight:</b> Overarching requirement for any admissible plant for planting		No one article may exceed 40 lbs. including approved packing material or approved growing media (if the plant is approved to be imported in approved growing media)
<b>Plants or plant parts with any one or more of the following risk factors that impede nondestructive visual inspection:</b>  - Sharp appendages such as thorns, spines, prickles, etc.  - Plant surfaces precluded from visual nondestructive inspection, including cavities, tight coiling, dense branches or root systems, braided stems, plants established in approved growing media, fissured bark, or rough exteriors characteristic of cycads, tree ferns, and certain palms such as <i>Washingtonia</i> and <i>Butia</i> .		18 inches* long Diameter** 3 inches
<b>Herbaceous perennials without above risk factors, and orchids</b>	Dormant (i.e., bulb, corm, rhizome, tuber, tuberous root, pip, fleshy root, division, or underground fleshy growth)	1 ft.* long Diameter** 4 inches
	Not dormant (with leaves)	2 ft.* long, excluding flower spikes and aerial roots Diameter** 8 inches

Category of plants for planting	And	Limitation
<b>Plants other than herbaceous perennials, orchids, or those with risk factors</b> named above, with a <b>single stem and one or two branches.</b> (with or without roots)	Without leaves	6 ft.* long Diameter of largest stem: 3 inches
	With leaves	4 ft.* long Diameter of largest stem :3 inches
<b>Plants other than herbaceous perennials, orchids, or those with risk factors named above, with multi-stems and/or more than 2 branches.</b> (with or without roots)	Without leaves	3 ft.* long Diameter of largest stem: 3 inches
	With leaves	2 ft.* long Diameter of largest stem: 3 inches
Any plant exceeding the limits listed above		Requires a controlled import permit (CIP)

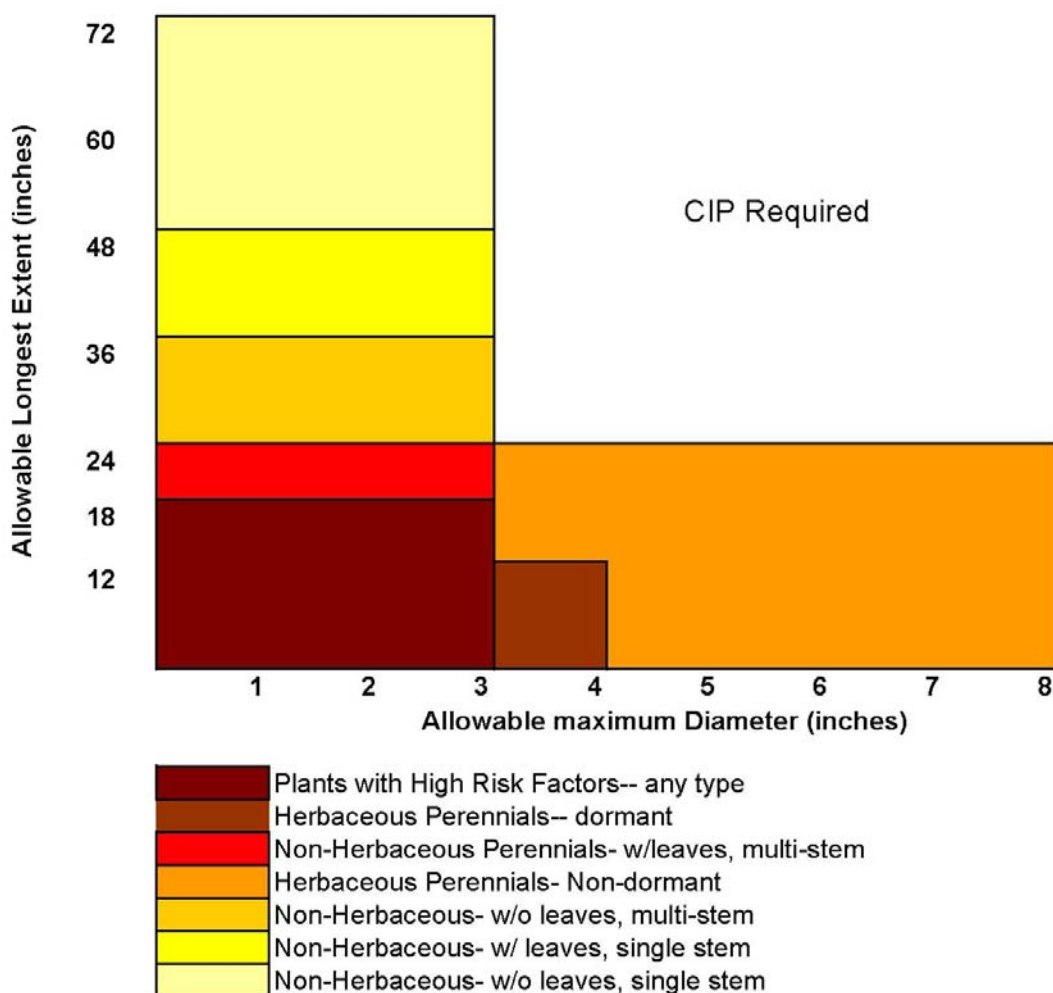
\*measured as a linear (straight line) distance from the furthest apart two points. If roots are present, they must be included in the measurement.

\*\*measured at the widest point of the plant or plant part.

Photographs of risk factors would be included in job aids for inspectors. Importers could submit digital images of commodities to plant inspection station personnel if they are uncertain that certain characteristics qualify as risk factors.

The chart below summarizes the detailed information from the table above. The colored regions show the dimensions of an article, for each of the categories that would be enterable without a controlled import permit (CIP). The bottom left of the chart represents the most restrictive import conditions. The “L-shape” of the colored regions shows that our proposed regulations make use of both overall extent restrictions as well as diameter restrictions. (The diameter allowance for non-dormant herbaceous perennials is large to accommodate trade in orchids, for example, which may have a large leaf span.) None of the colored regions can be found in the top right of the chart. This is because these conditions were considered too lax to be granted to imports without the considered review that comes with the permit application process. Plants of these dimensions will require a CIP.

The chart below does not contain the weight restriction of 40 lbs. per plant unit (including packing material, etc.) but that restriction applies to all categories.



### Definition of “artificially dwarfed plant”

We agreed on a definition for this term, which will no longer be used in the size/weight limitations. However, the definition is still needed because 7CFR 319.37-5(q) provides certification requirements for artificially dwarfed plants over 2 years old. The proposed definition is, “Plants whose reduced size is attained and maintained through a consistent regimen of root and branch pruning, shaping and training from the seedling stage, cutting stage, or if layered or grafted, removal from the parent plant.”

### Next Steps

We will distribute the meeting report to the participants for their review. When the strawman is acceptable to the participants, we will ask the Plant Inspection Station personnel for their review.

### Afterword

Plant Inspection Station personnel submitted many helpful comments; some were related to plant inspection and not specific to the size/age restrictions. Issues related to operational policy, permit conditions, training materials and job aids are not within the scope of this meeting report, and

will be addressed separately. Plant Protection and Quarantine will consider publishing one or more proposed rules to address both issues, revising the existing size/age restrictions and clarifying plant inspection requirements and procedures.